

Case Docket No. NEWZEA.029A

Date: December 2, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Stephen T. Dybing

App. No. : 10/646,852

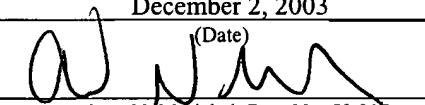
Filed : August 22, 2003

For : METHOD FOR PRODUCING
A FOOD PRODUCT FROM A
CONCENTRATED PROTEIN

Group Art Unit : Unknown

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 2, 2003


Andrew N. Merickel, Reg. No. 53,317

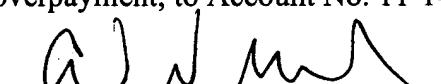
TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A Power of Attorney Form and Copy of Assignment.
- (X) A Certificate of Non-Revocation of Power of Attorney.
- (X) Return prepaid postcard.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.


Andrew N. Merickel
Registration No. 53,317
Attorney of Record
Customer No. 20,995
(415) 954-4114

ASSIGNMENT

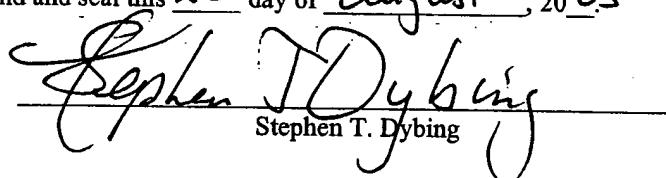
WHEREAS, I, Stephen T. Dybing, a U.S. citizen, residing at 2161 Saint Clair Court, Harrisburg, PA 17110, have invented certain new and useful improvements in a METHOD FOR PRODUCING A FOOD PRODUCT FROM A CONCENTRATED PROTEIN for which I have executed an application for Letters Patent in the United States, on even date herewith;

AND WHEREAS, Fonterra Co-Operative Group Ltd. (hereinafter "ASSIGNEE"), a New Zealand Corporation, with its principal place of business at Building 103, Leonard Isitt Drive, Auckland Airport, Auckland, New Zealand, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 20 day of August, 2003

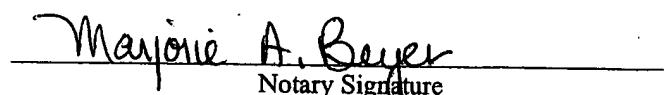

Stephen T. Dybing

STATE OF Pennsylvania }
COUNTY OF Cumberland } ss.

On August 20, 2003 before me, a Notary Public, personally appeared Stephen T. Dybing personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]


Notary Signature

Notarial Seal
Marjorie A. Beyer, Notary Public
Lemoyne Boro, Cumberland County
My Commission Expires Apr. 29, 2007

Member, Pennsylvania Association Of Notaries



1:47PM

No. 0115 P. 4/5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen T. Dybing)
App. No. : Unknown)
Filed : Herewith)
For : METHOD FOR PRODUCING A)
FOOD PRODUCT FROM A)
CONCENTRATED PROTEIN)
Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer

App. No. : Unknown
Filed : Herewith

No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use Customer No. 20,995 for all communications.

Fonterra Co-Operative Group Ltd.

Dated: 10-31-03

By: David Matthews

Print Name: David Allan Matthews

Title: Attorney

Address: Building 103, Leonard Isitt Dr.
Auckland Airport
Auckland, New Zealand

Witness:

J Fenwick
Jennifer Fenwick
Secretary
Auckland.



CERTIFICATE OF NON-REVOCATION OF POWER OF ATTORNEY

I, **David Allan Matthews** of Auckland in New Zealand, General Counsel, Fonterra Co-operative Group Limited, hereby certify:

1. **THAT** by a deed dated 8 November 2002, **FONTERRA CO-OPERATIVE GROUP LIMITED**, a company established by the laws of New Zealand, appointed me its attorney on the terms and subject to the conditions set out in the said deed.
2. **THAT** at the date hereof I have not received any notice or information of the revocation of this appointment by any means whatsoever.

SIGNED at Auckland this 31st day of October 2003



David Allan Matthews